

House File 807 - Enrolled

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1 1 HOUSE FILE 807
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1 3 AN ACT
1 4 RELATING TO AND MAKING APPROPRIATIONS TO THE JUDICIAL BRANCH,
1 5 AND PROVIDING AN EFFECTIVE DATE.
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1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 8
1 9 JUDICIAL BRANCH
1 10 Section 1. JUDICIAL BRANCH.
1 11 1. There is appropriated from the general fund of the
1 12 state to the judicial branch for the fiscal year beginning
1 13 July 1, 2005, and ending June 30, 2006, the following amounts,
1 14 or so much thereof as is necessary, to be used for the
1 15 purposes designated:
1 16 a. For salaries of supreme court justices, appellate court
1 17 judges, district court judges, district associate judges,
1 18 judicial magistrates and staff, state court administrator,
1 19 clerk of the supreme court, district court administrators,
1 20 clerks of the district court, juvenile court officers, board
1 21 of law examiners and board of examiners of shorthand reporters
1 22 and judicial qualifications commission, receipt and
1 23 disbursement of child support payments, reimbursement of the
1 24 auditor of state for expenses incurred in completing audits of
1 25 the offices of the clerks of the district court during the
1 26 fiscal year beginning July 1, 2005, and maintenance,
1 27 equipment, and miscellaneous purposes:
1 28 \$118,404,282
1 29 b. For an initial grant to be determined by the state
1 30 court administrator, for the establishment of a youth
1 31 enrichment pilot project located in a county with a population
1 32 greater than three hundred thousand that is involved in a
1 33 public and private partnership pursuing life skills,
1 34 education, and mentoring programs for offenders between the
1 35 ages of sixteen and twenty-two who have been charged with a
2 1 felony:
2 2 \$ 100,000
2 3 2. The judicial branch, except for purposes of internal
2 4 processing, shall use the current state budget system, the
2 5 state payroll system, and the Iowa finance and accounting
2 6 system in administration of programs and payments for
2 7 services, and shall not duplicate the state payroll,
2 8 accounting, and budgeting systems.
2 9 3. The judicial branch shall submit monthly financial
2 10 statements to the legislative services agency and the
2 11 department of management containing all appropriated accounts
2 12 in the same manner as provided in the monthly financial status
2 13 reports and personal services usage reports of the department
2 14 of administrative services. The monthly financial statements
2 15 shall include a comparison of the dollars and percentage spent
2 16 of budgeted versus actual revenues and expenditures on a
2 17 cumulative basis for full-time equivalent positions and
2 18 dollars.
2 19 4. The judicial branch shall focus efforts upon the
2 20 collection of delinquent fines, penalties, court costs, fees,
2 21 surcharges, or similar amounts.
2 22 5. It is the intent of the general assembly that the
2 23 offices of the clerks of the district court operate in all
2 24 ninety-nine counties and be accessible to the public as much
2 25 as is reasonably possible in order to address the relative
2 26 needs of the citizens of each county.
2 27 6. The judicial branch shall study the best practices and
2 28 efficiencies of each judicial district. In identifying the
2 29 most efficient judicial districts and the districts using best
2 30 practices, the judicial branch shall consider the average cost
2 31 to the judicial branch for processing each classification of
2 32 criminal offense or civil action and the overall number of
2 33 cases filed. The judicial branch shall file a report
2 34 regarding the study made and actions taken pursuant to this
2 35 subsection with the cochairpersons and ranking members of the
3 1 joint appropriations subcommittee on the justice system and to
3 2 the legislative services agency by December 15, 2005.
3 3 7. In addition to the requirements for transfers under
3 4 section 8.39, the judicial branch shall not change the
3 5 appropriations from the amounts appropriated to the judicial

3 6 branch in this Act, unless notice of the revisions is given
3 7 prior to their effective date to the legislative services
3 8 agency. The notice shall include information on the branch's
3 9 rationale for making the changes and details concerning the
3 10 workload and performance measures upon which the changes are
3 11 based.

3 12 8. The judicial branch shall submit a semiannual update to
3 13 the legislative services agency specifying the amounts of
3 14 fines, surcharges, and court costs collected using the Iowa
3 15 court information system since the last report. The judicial
3 16 branch shall continue to facilitate the sharing of vital
3 17 sentencing and other information with other state departments
3 18 and governmental agencies involved in the criminal justice
3 19 system through the Iowa court information system.

3 20 9. The judicial branch shall provide a report to the
3 21 general assembly by January 1, 2006, concerning the amounts
3 22 received and expended from the enhanced court collections fund
3 23 created in section 602.1304 and the court technology and
3 24 modernization fund created in section 602.8108, subsection 5,
3 25 during the fiscal year beginning July 1, 2004, and ending June
3 26 30, 2005, and the plans for expenditures from each fund during
3 27 the fiscal year beginning July 1, 2005, and ending June 30,
3 28 2006. A copy of the report shall be provided to the
3 29 legislative services agency.

3 30 Sec. 2. JUDICIAL RETIREMENT FUND. There is appropriated
3 31 from the general fund of the state to the judicial retirement
3 32 fund for the fiscal year beginning July 1, 2005, and ending
3 33 June 30, 2006, the following amount, or so much thereof as is
3 34 necessary, to be used for the purpose designated:

3 35 Notwithstanding section 602.9104, for the state's
4 1 contribution to the judicial retirement fund in the amount of
4 2 9.7 percent of the basic salaries of the judges covered under
4 3 chapter 602, article 9:

4 4 \$ 2,039,664

4 5 Sec. 3. Section 602.6401, subsection 1, Code 2005, is
4 6 amended to read as follows:

4 7 1. ~~One Two hundred ninety-one six~~ magistrates shall be
4 8 apportioned among the counties as provided in this section.
4 9 Magistrates appointed pursuant to section 602.6402 shall not
4 10 be counted for purposes of this section.

4 11 Sec. 4. NEW SECTION. 602.8102A NOTICES RETURNED FOR
4 12 UNKNOWN ADDRESS == RESENDING.

4 13 Notwithstanding any other provision of the Code to the
4 14 contrary, and subject to rules prescribed by the supreme
4 15 court, if the clerk of the district court sends a mailing or
4 16 notice to a person or party and the mailing or notice is
4 17 returned by the postal service to the clerk of the district
4 18 court as undeliverable, the clerk is not required to send a
4 19 repeat or subsequent mailing or notice unless the clerk
4 20 receives an updated mailing address.

4 21 Sec. 5. Section 602.8105, subsection 2, Code 2005, is
4 22 amended to read as follows:

4 23 2. The clerk of the district court shall collect the
4 24 following fees for miscellaneous services:

4 25 a. For filing, entering, and endorsing a mechanic's lien,
4 26 twenty dollars, and if a suit is brought, the fee is taxable
4 27 as other costs in the action.

4 28 b. For filing and entering an agricultural supply dealer's
4 29 lien and any other statutory lien, twenty dollars.

4 30 c. For a certificate and seal, ten dollars. However,
4 31 there shall be no charge for a certificate and seal to an
4 32 application to procure a pension, bounty, or back pay for a
4 33 member of the armed services or other person.

4 34 d. For certifying a change in title of real estate, twenty
4 35 dollars.

5 1 e. For filing a praecipe to issue execution under chapter
5 2 626, twenty-five dollars.

5 3 f. For filing a praecipe to issue execution under chapter
5 4 654, fifty dollars.

5 5 g. For filing a confession of judgment under chapter 676,
5 6 fifty dollars if the judgment is five thousand dollars or
5 7 less, and one hundred dollars if the judgment exceeds five
5 8 thousand dollars.

5 9 e- h. Other fees provided by law.

5 10 Sec. 6. Section 901.4, Code 2005, is amended to read as
5 11 follows:

5 12 901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL ==
5 13 DISTRIBUTION.

5 14 The presentence investigation report is confidential and
5 15 the court shall provide safeguards to ensure its
5 16 confidentiality, including but not limited to sealing the

5 17 report, which may be opened only by further court order. At
5 18 least three days prior to the date set for sentencing, the
5 19 court shall ~~serve send a copy of~~ all of the presentence
5 20 investigation report ~~upon by ordinary or electronic mail, to~~
5 21 the defendant's attorney and the attorney for the state, and
5 22 the report shall remain confidential except upon court order.
5 23 However, the court may conceal the identity of the person who
5 24 provided confidential information. The report of a medical
5 25 examination or psychological or psychiatric evaluation shall
5 26 be made available to the attorney for the state and to the
5 27 defendant upon request. The reports are part of the record
5 28 but shall be sealed and opened only on order of the court. If
5 29 the defendant is committed to the custody of the Iowa
5 30 department of corrections and is not a class "A" felon, a copy
5 31 of the presentence investigation report shall be forwarded by
5 32 ordinary or electronic mail to the director with the order of
5 33 commitment by the clerk of the district court and to the board
5 34 of parole at the time of commitment. Pursuant to section
5 35 904.602, the presentence investigation report may also be
6 1 released by ordinary or electronic mail by the department of
6 2 corrections or a judicial district department of correctional
6 3 services to another jurisdiction for the purpose of providing
6 4 interstate probation and parole compact or interstate compact
6 5 for adult offender supervision services or evaluations, or to
6 6 a substance abuse or mental health services provider when
6 7 referring a defendant for services. The defendant or the
6 8 defendant's attorney may file with the presentence
6 9 investigation report, a denial or refutation of the
6 10 allegations, or both, contained in the report. The denial or
6 11 refutation shall be included in the report. If the person is
6 12 sentenced for an offense which requires registration under
6 13 chapter 692A, the court shall release the report by ordinary
6 14 or electronic mail to the department.

6 15 Sec. 7. STUDY OF COURT RULES RELATING TO TRIBAL COURTS.
6 16 The general assembly acknowledges that contact and interaction
6 17 between the Iowa court system and federally recognized tribal
6 18 courts are ever increasing and the general assembly urges the
6 19 Iowa supreme court to study this interaction and consider
6 20 developing and prescribing rules that relate to the tribal
6 21 court system, tribal court orders, judgments, and decrees.

6 22 Sec. 8. Section 607A.8, Code 2005, is amended to read as
6 23 follows:

6 24 607A.8 FEES AND EXPENSES FOR JURORS.

6 25 Grand jurors and petit jurors in all courts shall receive
6 26 ten dollars as compensation for each day's service or
6 27 attendance, including attendance required for the purpose of
6 28 being considered for service, reimbursement for mileage
6 29 expenses at the rate specified in section 602.1509 for each
6 30 mile traveled each day to and from their residences to the
6 31 place of service or attendance, and reimbursement for actual
6 32 expenses of parking, as determined by the clerk. The supreme
6 33 court may adopt rules that allow additional compensation for

6 34 jurors whose attendance and service exceeds seven days. A

6 35 juror who is a person with a disability may receive
7 1 reimbursement for the costs of alternate transportation from
7 2 the juror's residence to the place of service or attendance.
7 3 A juror shall not receive reimbursement for mileage expenses
7 4 or actual expenses of parking when the juror travels in a
7 5 vehicle for which another juror is receiving reimbursement for
7 6 mileage and parking expenses.

7 7 Sec. 9. APPOINTMENT OF CLERK OF COURT. The appointment of
7 8 a clerk of the district court shall not occur unless the state
7 9 court administrator approves the appointment.

7 10 Sec. 10. POSTING OF REPORTS IN ELECTRONIC FORMAT ==
7 11 LEGISLATIVE SERVICES AGENCY. All reports or copies of reports
7 12 required to be provided by the judicial branch for fiscal year
7 13 2005=2006 to the legislative services agency shall be provided
7 14 in an electronic format. The legislative services agency
7 15 shall post the reports on its internet site and shall notify
7 16 by electronic means all the members of the joint
7 17 appropriations subcommittee on the justice system when a
7 18 report is posted. Upon request, copies of the reports may be
7 19 mailed to members of the joint appropriations subcommittee on
7 20 the justice system.

7 21 Sec. 11. EFFECTIVE DATE. The section of this Act
7 22 appropriating funds that are contingent upon the general fund
7 23 of the state receiving funds from the Microsoft settlement,
7 24 being deemed of immediate importance, takes effect upon
7 25 enactment.

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CHRISTOPHER C. RANTS
Speaker of the House

JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 807, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2005

THOMAS J. VILSACK
Governor